

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC.,	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 04:-CV-10281 EFH
	)	
IBJTC Business Credit Corp. and	)	
David Molinario,	)	
Defendants.	)	

**PLAINTIFF ARY JEWELERS, LLC.'S MOTION FOR LEAVE  
TO FILE OPPOSITION MORE THAN 20 PAGES IN LENGTH**

TO THE UNITED STATES DISTRICT COURT:

Plaintiff ARY Jewelers, LLC. ("ARY") files this Motion for Leave to File Opposition More than 20 Pages in Length, pursuant to Local Rule 7.1(b)(4), and in support thereof would respectfully show the following:

1. On August 11, 2005, Defendants filed their Motion for Summary Judgment. On September 15, 2005, ARY filed, among others, the following pleadings:
  1. Plaintiff ARY Jewelers, LLC's Opposition to Defendants' Motion for Summary Judgment ("Opposition");
  2. Statement of Material Facts of Record as to Which It Is Contended That There Exists A Genuine Issue To Be Tried ("Statement of Facts"); and
  3. Plaintiff ARY Jewelers, LLC's Motion for Leave to File Second Amended Complaint.
2. On October 11, 2005 this Court entered various orders, including an order allowing ARY to file its Second Amended Complaint ("Complaint") and an order deeming moot Defendants' Motion for Summary Judgment based on the Court granting ARY permission to file the Complaint.

Thereafter, on October 24, 2005, Defendants filed another Motion for Summary Judgment alleging essentially the same arguments as previously set forth and adding argument and authority addressing the additional causes of action alleged in the Complaint. Because Defendants' second motion sets forth essentially the same arguments as in its first, with the added parts addressing the new complaints, ARY deems it judicially economical to file a supplemental opposition – Supplemental Opposition to Defendants' Motion for Summary Judgment ("Supplemental Opposition") to address the causes of action added in the Complaint. ARY incorporates the Opposition (with all referenced affidavits, deposition testimony, and exhibits), the Statement of Facts, and its Supplemental Statement of Facts in its Supplemental Opposition.

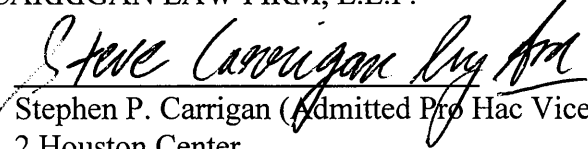
3. The substantive part of the Supplemental Opposition consists of 5 pages.
4. The requested relief will not prejudice Defendants in this matter.

WHEREFORE, Plaintiff asks that this Motion be granted and that the Court allow ARY to file its Supplemental Opposition, and for other and further relief to which ARY may be justly entitled.

Respectfully submitted,

THE CARRIGAN LAW FIRM, L.L.P.

By:

  
Stephen P. Carrigan (Admitted Pro Hac Vice)  
2 Houston Center  
909 Fannin, Suite 1575  
Houston, Texas 77010  
(713) 739-0810 (telephone)  
(713) 739-0821 (telefax)  
*Attorney-in-Charge for Plaintiff*

OF COUNSEL:

**THE CARRIGAN LAW FIRM, L.L.P.**

Jill L. Groff (Admitted Pro Hac Vice)  
2 Houston Center  
909 Fannin, Suite 1575  
Houston, Texas 77010  
(713) 739-0810 (telephone)  
(713) 739-0821 (telefax)  
*Of Counsel for Plaintiff*

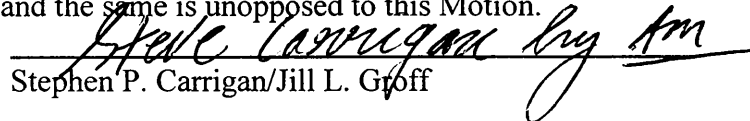
**MAHENDRU, P.C.**

Ashish Mahendru BBO#647661  
1111 Bagby, Suite 2000  
Houston, Texas 77002  
(713) 571-1519 (telephone)  
(713) 651-0776 (telefax)  
*Of counsel for Plaintiff*

Dated: November 7, 2005

**CERTIFICATE OF CONFERENCE**

Pursuant to Local Rule 7.1(A)(2), counsel for Plaintiff conferred with counsel for Defendants regarding the relief requested herein and the same is unopposed to this Motion.

  
Stephen P. Carrigan/Jill L. Groff

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing instrument was forwarded as indicated below by certified mail, facsimile and/or hand delivery, return receipt requested in accordance with the Federal Rules of Civil Procedure on this 7 day of November, 2005.

Robert S. Fischler  
ROPES & GRAY, L.L.P.  
45 Rockefeller Plaza  
New York, NY 10111  
Tel: (212)841-0444

Christopher R. Dillon  
Kate Cimini  
Ropes & Gray, LLP  
One International Place  
Boston, MA 02110-2624

  
Stephen P. Carrigan/Jill L. Groff